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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,753

05/09/2006

Wayne R. Dannels

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6004

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7590

08/26/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P. O. Box 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SHRIVASTAV, BRIJ B

ART UNIT

PAPER NUMBER

2831

MAIL DATE

DELIVERY MODE

08/26/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/595,753	DANNELS, WAYNE R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brij B. Shrivastav	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-12, 14, 16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 4-7, 13, 15 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/9/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 8-12, 14, 16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Grover (EP 0 218 838).

3. As regards to claims 1 and 12, Applicant's attention is directed to figure 1 of Glover, teaching a magnetic resonance imaging apparatus and method, including a means for acquiring radial readout lines of magnetic resonance imaging data; a means for reconstructing a direction of a radial readout line with a displacement of a feature of interest, the coordinating means biasing at least of the acquiring means and the construction means toward a selected relationship between readout magnetic field gradient direction and displacement direction (column 5, line 19 to column 6, line 6; column 7 (detailed description) line 25 to column 8, line 25).

4. As regards to claim 20, Applicant's attention is again directed to figure 1 of Glover, teaching a magnetic resonance apparatus, including a sensor measuring a displacement of a feature of interest ; a magnetic resonance imaging scanner acquiring radial readout lines of magnetic resonance imaging data; a reconstruction processor to reconstruct the required readout lines into reconstructed image data; and a coordinating processor to coordinate the required readout lines with the determined displacement,

Art Unit: 2831

the coordinating processor biasing the magnetic resonance imaging scanner and the reconstruction processor toward a selected relationship between readout magnetic field gradient direction and the determined displacement of the feature of interest (column 5, line 19 to column 6, line 6; column 7 (detailed description) line 25 to column 8, line 25).

5. As regards to claims 2-3, 8-11, 14, 16, 18 and 19, Glover further teaches a magnetic resonance apparatus to measure a physiological parameter correlated with displacement of the feature of interest, determining a displacement of the feature of interest and selecting a subset, selecting a direction of the radial readout line, repeating and selecting of a direction of a radial readout line based on the determined displacement, optimizing the order of the set of readout lines to minimize for selected relationship between the gradient field direction and the displacement of the feature of interest (page 1, line 1 to page 3 line 25; page 4, line 5 to 6, line 6; detailed description lag 7 to page 10, line 14; page 26, line 11-17; page 31, line 8 to page 32 line 15).

6. Claims 4-7, 13, 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brij B. Shrivastav whose telephone number is 571-272-2250. The examiner can normally be reached on 7 AM to 4 PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2831

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 24, 2009

/Brij B Shrivastav/  
Primary Examiner, Art Unit 2831